

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: David WALLACH et al
Serial No.: 08/485,129
Filed: June 7, 1995
For: ISOLATED DNA ENCODING TUMOR NECROSIS FACTOR BINDING PROTEIN II ...

Art Unit: 1816
Examiner: R. Schwadron
Washington, D.C.
Atty.'s Docket: WALLACH=5B
Date: April 3, 1998

THE COMMISSIONER OF PATENTS AND TRADEMARKS

Washington, D.C. 20231

Sir:

Transmitted herewith is an ☐ Amendment ☒ 2nd Supplemental Amendment and RESPONSE UNDER 37 CFR §1.129(a) in the above-identified application.

☐ Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.

☐ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.

The fee has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col. 3)	SMALL ENTITY		OR	OTHER THAN A SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
TOTAL	* 21	MINUS	** 20	= 1	x 11	\$		x 22	\$ 22.00
INDEP.	* 4	MINUS	*** 3	= 1	x 41	\$		x 82	\$ 82.00
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+135	\$		+ 270	\$
					TOTAL	\$	OR	TOTAL	\$ 104.00

If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

☒ Conditional Petition for Extension of Time

If any extension of time for a response is required applicant requests that this be considered a petition therefor.

☐ It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity

Response Filed Within

- ☐ First - \$ 55.00
☐ Second - \$200.00
☐ Third - \$475.00
☐ Fourth - \$755.00

Month After Time Period Set

Other Than Small Entity

Response Filed Within

- ☐ First - \$ 110.00
☐ Second - \$ 400.00
☐ Third - \$ 950.00
☐ Fourth - \$1510.00

Month After Time Period Set

☐ Less fees (\$) already paid for month(s) extension of time on .

☒ Fee for Response Under 37 CFR §1.129(a) of \$790.00.

☐ Please charge my Deposit Account No. 02-4035 in the amount of \$.

☐ Check in the amount of \$790.00 is attached (check no. 18366).

The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR Section 1.16 and all patent processing fees under 37 CFR Section 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR Section 1.18.

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For: ISOLATED DNA ENCODING TUMOR))	Atty.Docket: WALLACH=5B
NECROSIS FACTOR BINDING)	
PROTEIN II, AND VECTORS,)	
HOSTS AND PROCESSES USING)	
SUCH DNA)	

RECEIVED

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SECOND SUPPLEMENTAL AMENDMENT AND
RESPONSE UNDER 37 CFR §1.129(a)

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

TRIX COUNTELL
SERVICE CENTER

Sir:

Supplementing applicants' amendment filed November 3, 1997, and applicants' supplemental amendment filed March 31, 1998, please further amend as follows:

IN THE CLAIMS

Rewrite claim 11 (Twice-amended) in thrice-amended form as follows:

11 (Thrice amended). An isolated DNA molecule comprising the nucleotide sequence coding for a protein consisting of naturally occurring Tumor Necrosis Factor (TNF) Binding Protein II, herein designated TBP-II, said TBP-II including the amino acid sequence: Thr-Pro-Tyr-Ala-Pro-Glu-Pro-Gly-Ser-Thr, said protein having the ability to inhibit the cytotoxic effect of [TNF- α on murine A9 cells] TNF, said naturally occurring TBP-II protein, after being purified by

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